

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GARDEN CITY BOXING CLUB, INC.,
as Broadcast Licensee of the November 27, 2004
Barrera/Morales Program,

Plaintiff,

-against-

FATIMA ESTIEN, Individually and d/b/a CASA DE
CAMPO RESTAURANT, and CASA DE CAMPO
RESTAURANT,

Defendants.

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GOLD, S., U.S.M.J.:

Introduction

Plaintiff, Garden City Boxing Club, Inc., brings this action alleging that defendants, Fatima Estien, individually and d/b/a Casa de Campo Restaurant, and Casa de Campo Restaurant, unlawfully intercepted and misappropriated a closed circuit television exhibition of a boxing match held on November 27, 2004 between Barrera and Morales (the "event") in violation of the Federal Communications Act of 1934, codified as amended, 47 U.S.C. §§ 553 and 605. See Compl. ¶¶ 1, 12, 31. More specifically, plaintiff alleges that defendants intercepted and received the event without paying the required fees, and displayed it to the patrons of Casa de Campo Restaurant. Compl. ¶ 15.

Upon plaintiff's application and in light of defendants' failure to appear or otherwise defend in this action, the Clerk of the Court entered the default of defendants on January 17, 2006, and the Honorable Raymond J. Dearie subsequently referred this case to me for report and recommendation on the issue of damages. See Docket Entries 6, 7.

3/15/07
Adopted without
Qualification. Clerk
to enter judgment
for advice of
s/ Judge Raymond J. Dearie
REPORT AND
RECOMMENDATION
CV-05-3687 (RJD)